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PERS 77-2524

Approved For Release 2001/07/12 : CIA-RDP82-00357R000600130018-7

2 AUG 1977

STATINTL

MEMORANDUM FOR: Mr. [REDACTED]
DDO/SIA/IC

FROM : F. W. M. Janney
Director of Personnel

SUBJECT : Eligibility for Retroactive Pay under the
Provisions of U. S. Comptroller General's
Decision (B 183086)

REFERENCE : (a) Your memo dated 11 Jul 77, same subj.
(b) Comp Gen Decisions B 183086 and B 184990

1. The matter of assignment of Agency personnel to positions graded higher than the grade of the incumbent, without promotion, was the subject of an extensive review by the Office of the General Counsel at the time the Comptroller General issued reference decisions. The OGC opinion was recently reviewed and has been reaffirmed. Attached for your information is a precis of the original OGC opinion 76-6084, dated 1 November 1976.

2. The OGC has concluded, after a thorough study of B 183086 and B 184990 and the regulations and law on which the decisions are based, that these decisions do not apply to Agency positions or personnel. The Civil Service Commission regulations involved in the Comptroller General decisions are not directly applicable to Agency employees, and the Agency has no regulations of its own which mandate procedures comparable to those in the CSC regulations. The promotion policy of the Agency is described in [REDACTED] Paragraph [REDACTED] states that "promotion is based on merit" with the primary assessment mechanism "of comparative evaluation of employees in a particular grade and/or function". [REDACTED] specifically provides for assignments to positions of higher grade.

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3. Your claim in reference (a) for back pay for the period you were assigned as a GS-11 to a GS-12 position is therefore denied insofar as it is based on the Comptroller General decisions B 183086 and B 184990. If you have further questions in this regard, please feel free to contact my office.

(Signed) F. W. M. Janney

F. W. M. Janney

Att.

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OP/P&C/RS/ [REDACTED] kj (29 Jul 77)

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